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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,955	12/15/2003	Werner Schnabel	071308.0496	3396

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EXAMINER

WATKINS III, WILLIAM P

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/735,955

Applicant(s)

SCHNABEL, WERNER

Examiner

William P. Watkins III

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. The rejection using Powell in view of Griffin or Gerson given in section 3 of the office action mailed 12 July 2005 is withdrawn in view of applicant's amendments and arguments in the paper filed 07 October 2005. As a matter of claim construction, the examiner does give weight to the limitation of the projection and the recess being formed before the insert is placed into the hole, as the claim is directed to the arrangement of the insert and plastic article and does not require that the insert be placed all of the way in the fixing hole. Thus though Griffin and Gerson both motivate wall projections and an insert recess, both references form these features either during or after insertion which does not allow for the presence of the projection and recess if the pieces are not connected as required by the instant claim language.

2. The rejection using Amann et al. in section 5 of the office action mailed 12 July 2005 is withdrawn, as Amann et al. does not show a plastic article with a fixing hole open at both axial ends.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gievers et al. (U.S. 6,122,995) in view of Allison et al. (U.S. 4,352,589).

Givers et al. teach a plastic part that has a fixing hole projection (element 11) with extends into a recess in a metal insert (element 4) that is molded in place in the fixing hole when the plastic article is molded (abstract, Figures 3 and 4, col. 3, lines 45-65). Allison et al. teach the formation of a plastic article that has a fixing hole with a preformed projection that is designed to fit into a recess on a spacer element that is inserted into the fixing hole (abstract, element 20 in Figures 1-3, and element 120 in Figure 4). The instant invention claims a metal insert bushing in a fixing hole that has a recess which receives a projection attached to the wall of the fixing hole, both the projection and recess being formed

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before insertion of the metal bushing. It would have been obvious to one of ordinary skill in the art to have formed the projection of the plastic part of Givers et al. during molding of the plastic part without the metal inserts in order allow for a simplified molding process and latter installation of the busing inserts because of the teachings of Allison et al. Specific size and location of the projections and recesses is taken as being within the ordinary skill of the art depending on the desired amount of interlock force.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gievers et al. (U.S. 6,122,995) in view of Allison et al. (U.S. 4,352,589) as applied to claims 1-17 and 19 above, and further in view of Powell (US 2002/0000215 A1).

Powell teaches use of an insert bushing in an intake manifold. The instant invention claims an insert projection used in an intake manifold. It would have been obvious to one of ordinary skill in the art to have used the insert and projection system of Gievers et al. in view of Allison et al. in a plastic intake manifold in order to allow an alternate method of providing a torque limiter because of the teachings of Powell that insert bushings are needed in plastic intake manifolds.

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Allison et al. (U.S. 4,352,589).

Elements 20 and 120 in Figures 1-4 show a fixing hole with a plastic projection that can engage a metal insert with a groove.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Regimbald, Whiteside et al., Rosan, Jr., and Johnson et al. all show recess grooves at different locations on insert bushings. The other references show different fixing systems.

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10. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William

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P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WW/ww  
January 7, 2006

**WILLIAM P. WATKINS III  
PRIMARY EXAMINER**